P. Fi 10 of 93.

G. R. S. IX-5]

Previous references. 1892-93.
~~192~~.
(L.O2.)

File No 15 of 92.

Serial Nos 1 to 21

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1 to 21.

M ~~B~~ for August 1903.

SUBJECT.

Complaint regarding the cultivation of water-rate as well as irrigation cess on certain lands in the Kasu village of Chanja pargana taluka

Cls

Index

WD [illegible] —PB—20,000—14-6-26

(20) Thana-Wtr

A.S. No. 604
92-93

Ref Mr. Haffkin - dated for the Collector's letter of forwarding petition and other papers in regard to water rates against the Municipal Council directing him to levy water-rate as well as irrigation cess on the wet lands in the Sanaa Village

Prior to the Survey Settlement, lands in the Sanaa Village belonging to Brahmins and others were entirely exempted from payment of Rs. 22-1-0 Deccani Inam Commission assessment which had been levied by the Survey Department in Samvat 1884 (1827) it was assessed as follows.

Acres	Gunthas		Rs.	a.	p.
58	27	Dry	44	0	0
168	14	Wet-1000	0	0	0
3	32	Garden	22	0	0
81	21	Tarapatta	1	0	0

2. Petitioners Brahmins, Inamdars of Sanaa Village presented petition to the Collector on 22nd March 93 representing that the Talati Mukhtiarkar demanded water rate and irrigation cess on the above lands, notwithstanding that these lands are the property of the village Brahmins Inamdars and Devasthan

Mr Chambers
Mr. Chapman
Observations
Mr Lowe
Mr Crawford
Lt. Governor
Wet 1000 - 63 - 14 Annas
480
160 - 1000
120 - 4 80

Land revenue
Mr Kaye
Chamd

It complainers, that

(1) the lands are not liable to water rate. Have now Govt power, so by or not?

(2) Local cess should not be charged on water rate?
It rule is that the charge shd be on the "Recorded value of the Land". — This includes charge water rate.

(3) Irrigation cess to be charged or not all most cultivated —

that they were presented. Mr Jones to
sit down preferred to the Justices for
Report and ordered the Warrant to be Signed.

3 On the 30th Jany 88 Mr Davies reported
that Mr Lloyd and Constable Lewis
were charged and appeared pursuant
thereto and demanded whether any Proof
would be required, but it was Considered
agreeably to the Rule above mentioned
to be informed how that was paid by
the Parties respectively.

4 On the 24th December 87 Mr Davies was
directed to inform and report thereof
January whether any Proof was required
thereupon Mr Davies
on Mr Jones's Report for the Justices to sign
was ordered to be paid out of the
Salaries Mr Above corresponding together
with the Expences attending the Statutes
Offices and Surveyors Duties for the year
ensuing which was agreed by the Court
to be paid accordingly Mr Above Signed
the Warrant for the Same

5 Mr Jones's Report for Mr Davies to
proceed on Appeal of Evan Jones Constable

1

to the Mr. Jermain for the 20 days
90, who after deducting the former
sale list prepared in Suffolk & Nansemond
for publication in the Gazette which
was completed the 8th January 93.
12 The Jurors and Witnesses attending
Isabella Lewis petitions and Jan.
10, 21st & 28th Feby & 10th April to the
Mr. Jermain and the Sheriff
which were forwarded the Auditor
for report for Submission during
January
13 To the 4th April 93 the Auditor
having the Condemnation Statement of the
Jurors Verdicts who deposed that
all the land in their Survey was
Champ and Previous to the Excavation of
Mangue Fondue Scale, and during the
Sequestration the Survey depend the Land
was and the Speed of the Rivers and
their Local Circulation after was their
paid by them - In addition to the
Rs. 4, for the same was charged for many
Water of the Rivers for the Circulation
Rivers &c. their Speed Current
charged for the same Land Sequestered
that any one of the Rivers & their Velocity
Speed that from the Land Circulation
Circulation after was the Land 1022
was charged that 1022 was the Land
the Mangue Fondue Scale, that of the

Local fund in said parish.

7. The Levying of said tax shall be under the said parish in the same manner as the Local fund is authorised by the Laws in force and more especially as the Assessment, Collection and Local Tax.

8. The Assessment for the said Local fund in the Village of Gueldon shall be made on the Annual Value as fixed for Valuation purposes, that is the Valuation Local fund of the Annual Value of Buildings and Lands, and the Annual Value of Land, shall be one half of the Annual Value of Buildings and Lands in the said Parish for the Local fund of the Annual Value of Buildings and Lands in the said Parish.

9. Whereas it is expedient that the said Local fund should be levied in the said Parish in the same manner as the Local fund of the Annual Value of Buildings and Lands in the said Parish.

10. And whereas it is expedient that the said Local fund should be levied in the said Parish in the same manner as the Local fund of the Annual Value of Buildings and Lands in the said Parish.

11. And whereas it is expedient that the said Local fund should be levied in the said Parish in the same manner as the Local fund of the Annual Value of Buildings and Lands in the said Parish.

12. And whereas it is expedient that the said Local fund should be levied in the said Parish in the same manner as the Local fund of the Annual Value of Buildings and Lands in the said Parish.

13. And whereas it is expedient that the said Local fund should be levied in the said Parish in the same manner as the Local fund of the Annual Value of Buildings and Lands in the said Parish.

14. And whereas it is expedient that the said Local fund should be levied in the said Parish in the same manner as the Local fund of the Annual Value of Buildings and Lands in the said Parish.

15. And whereas it is expedient that the said Local fund should be levied in the said Parish in the same manner as the Local fund of the Annual Value of Buildings and Lands in the said Parish.

16. And whereas it is expedient that the said Local fund should be levied in the said Parish in the same manner as the Local fund of the Annual Value of Buildings and Lands in the said Parish.

17. And whereas it is expedient that the said Local fund should be levied in the said Parish in the same manner as the Local fund of the Annual Value of Buildings and Lands in the said Parish.

18. And whereas it is expedient that the said Local fund should be levied in the said Parish in the same manner as the Local fund of the Annual Value of Buildings and Lands in the said Parish.

19. And whereas it is expedient that the said Local fund should be levied in the said Parish in the same manner as the Local fund of the Annual Value of Buildings and Lands in the said Parish.

Bengal

Wool	168-14	1000
Dry	58. 27	44
Jam	3-32	22
Paddy	81. 21	1-4-4
	312. 14	1067-4

Here

168/1000

108

114 accts

Coal Cess
66-11-3

Imph...
63-14-3

Workable
121. 11-4 — 484 Hundred
Cess

Paid
168

X In exchange Rs 3
Paid

M No 104 of 1892-93

Abbl
Muttappa
Agent of the ~~Govt~~
Inam Villages of
1 Gowdanahalli
2 Chenya
3 Biranhalli
of Jadatarai
Uttarahalli

2/ The Appln complains that
Local cess has been charged twice over
on his lands in Chenya — The ~~wet~~ irrigated lands
of the Village were valued by the Survey
dept at Rs 1022 as shown in the
wet 168.14 1000 margin — ~~Cess of Rs~~ Local
garden 3.32 22
1022 Cess was charged on the amount
of Rs 484
out of this area, a water rate was
charged on 121 acres & Local
Cess was again charged on this
amount. This is clearly wrong.

The Dy Comr is requested to deduct from the area ~~to deduct from the area~~ which the local cess charged on the water rate.—

22 Another complaint is, that water rate was charged at 4 As instead of at 3 As under Sec XIX of the Revenue rules.— As applts lands are said to be irrigated from a private branch channel drawn from a Govt channel, the proper rate of charge is As 3. The Dy Comr is requested to revise the charge or report if there are any special reasons for charging 4 As.—

23 The applts advocate has withdrawn all other points of complaint.

[illegible]
26/2/94

Sent
To is referred to the Dy Comr to whom orders have been issued [illegible]

[illegible]

[illegible]

[illegible]

V.f. Draft spares according [illegible] Papers 7 & 8
[illegible]

Charged as examined by private individual stating irrigation plant drawn water from Canal & that irrigated land

If Petitioner is not the owner of the channel, he has no right whatever to claim the reduced water rate. However, before rejecting the claim, I would give a hearing to Petitioner. Fix a date & give him notice.

4/9/94

Dist Supt to Petitioner

Copies sent to Petitioner

5/9/94

Posted to Dist Supt

Letter sent to Petitioner

8/9/94.

he is entitled to the
benefits, since it is used
as Govt channel & the Govt
do not incur any cost
for its maintenance. Her
contention is ~~altogether~~
inadmissible ~~in spirit of terms~~ However
note it has been pressed
for Private channels, ~~but~~
~~the~~ in consideration of
the Capital spent by
the owners in excavating
the channel - the
consideration does not
exist in the case of an
stranger & he is not
entitled to any indulgence
In the present case, ~~even~~
the Private character of the
Channel is also doubtful
the owner of the channel himself
has not been allowed any
concession As regards

the complaint about
irrigation cess, its charge
upon water rate on the
plaint cultivated lands
in accordance with the practice
in the Provinces. The
appeal is therefore dismissed

Ch
25/9/24

Ch
25/9/24

Reasons

The Dist Court reports that the local
Cess has been charged on the area
irrigated as water rate. No reliance is
therefore called for.

2. Plaintiffs and the owner of the so called
Private channel under which the lands are
irrigated, have not therefore entitled to
the charge of Rs on account
The Private character of the Channel
is also doubtful & the owner of the channel
have not been allowed any concession.

3. The Collection of irrigation cess on water
rate is Correct in accordance to
usage

Under the circumstances, the appeal stands
dismissed Ch

As regard (1), the Dy Comm^r points out that the question has been thoroughly discussed & gone in a former occasion & was decided against pet^r (vide nos 11, 12 & 14)

As regard (2), the Dy Comm^r admits that the previous practice of holding pet^r & the respts ~~are~~ equally (or indifferently) responsible for the water-rate is bad and should be given up in favour of a uniform practice

The Dy Comm^r accordingly submits the order on the question whether the local authority can treat directly with the ryots of the Inamdar without the latter's intervention. The Dy Comm^r points out that if the question be decided in the affirmative (as indicated in Item no 16)

the private Influence of the Crown will be undermined

Sd/ G 2nd Comdt
23/4/97

Received.
24/4/97.

Has the Solicitor General considered & quantified the reasonable-ness of the rate of water-cess imposed & if not will that officer report on the same with this despatch.

Should the Inquirer deal with the Crown Lands & the procedure as to be laid down as follows:—

When part of its area and creates the source of the water-supply & has water-at its disposal the Crown lands to 100 Crown lands the Crown does not in the first instance be asked whether the will take water & until having so declared whether or any-ness at any rate which may be decided upon by leagues the Revenue Officials will record the settlement which will become binding on the Crown.

If however the Crown does not come forward, and the lands in the permanent occupancy of superior holders, under the Crown are sold to there is no object in dealing with such holders directly and coming to a settlement with them.

Likewise if an Crown holder wants water - he may apply to the Crown & come to a settlement.

If the inferior holder wants it he may address & apply through the Crown - If the Crown does not

The Survey Supt states that he has not consulted as to the reasonableness of the water rate levied.

As regards the rules, the Survey Supt thinks that the major portion of the rules is already contained in Sec 142 (read with Sec 53) of the Land Revenue Code but that the rules will still be useful.

7/6/97

"The rules are to be published under Sec 53 of the L R Code submit to the Dewan the rules & the Survey Supt's letter after this views are known the individual disputes may be settled"

PNK 23/8/97

Submit to Dewan

CS 24/8/97

8166

Note

Water rate imposed on an unalienated is recoverable as land revenue under s. 53 of the Indian Land Act Code

Under s. 142 the Superintendent (or Commissioner) is personally liable for the water rate imposed on an alienated land - On his failure to pay, it may be recovered from the Superintendent's salary, or in case of default by him, from the sureties or person in actual occupation of the land - Thus it will

be seen that the
consent of the Inundar
or of the agent is
unnecessary, and that
whenever water is supplied
to any main land the
Sat may proceed
either against the
Inundar or the tenant
whereas the case.
Any abridgment of
this right, by limiting
the liability of the
inundar alone, as
proposed by Draft Rule X 5.
is undesirable —

Rule XIX framed
under S 53 may in
some cases stop leading
on the occupant of
any main land. This
is also inconvenient

the value of the Land
or the rent, from the water rate
shall be regarded
as a revenue
settlement from
the basis of the claim
for the rent of the
water rate from the
tenant.

It may also be
provided that the
payment of the water
rate by the tenant shall
not preclude the
bringing from Landlord
the rent therefor, and
that tenant or ac-
count of the additional
value imparted by
a private domestic supply, the Landlord to pay
for water subject of
course to the provisions
of 1886 —

Chas. Dawson Co
20. 12. 97

recovery of the water rate
from the tenant.

AH
20/11/97

The broad question
which has to be
decided is
whether the Port
may impose
upon an Inundation
water-rate except
without his consent
if Port will create
fresh sources of
water-supply
with out such consent
request of the Inundation
Act.
If this
is granted we
need not go further
than the Inundation
as between himself
& his inferior
holder the tenant

has his remedy under clauses
2 & 6 of Sec. 86 of the Act & Rule -
The provision of this law which
is very clear need not be repeated
in connection with this rule of
procedure.
When an inferior
holder drives the Inamdar to a
suit for subsistence thereat under
sec 86 that decision enables the Inamdar
aggrieved under Sec 9.7. Otherwise
an agreement will be taken under
the first clause of this section. Hop
new settlement seems necessary for

If the right of Govt to impose
such water-rate upon an Inam land
without the consent of the Inamdar
is undoubted then why give the
right of application only for Kadeem
tenant? Any accrued tenant may
apply - the only order being that
if the Inamdar consents he will be
the medium of application & not
Govt tenant moved by the tenant will
impose the rate under the power it
possesses -
I should like to
know if there are distinct orders declaring
that the Govt possesses such power -
If not, consult the S. Supt. once more
& ask him for information on that
point, as also whether he is inclined
to recommend the revision of the rate now
imposed upon the Sat.

6-1-98

The Ld Councillor wants
to know whether there are
District orders declaring
that under Sect 53 of the
L.B. Code, S.W. have the
right to impose water-rate
on an Irish land without
the Consent of the Guardians.
I remember to have seen
such a view expressed in
the Newspapers claimed
file. There may also
be other orders in the
New Branch

Sd D. Kearney
4 7/1/98

Re-assign.

Put up reply as
suggested on Docket

11-1-98

Please see note below.
Submitted to Secretary
15/1/98
1/2/98

(2)

Nil 1100-9 dt 12.5.1883
39 Para 4.
5029 dt 4.12.1884
239
16572-21 dt 1-4-1893.
C.2029

The marginally noted Govt orders, specifies which are put up, provide for the levy of water rate from an Inamdar, when by means of a new irrigation work constructed by Govt, he converts into wet any portion of his land which was not wet at the time of the grant, and when old wet lands are brought under a new source of irrigation established by Govt.

(3) It is stated in Govt order No. 9267/375 dt 18/11/90, that when a ryot does not cultivate his land with wet crops with the aid of Govt water, water-rate need not be levied.

Except the above, there are no definite orders declaring the right of Govt under Sec. 53 of the Land Revenue Code, to enforce water rate on an Inam land, without the consent of the Inamdar.

DB 1/2/98 Seen Mr. J. Rev. Manager 3/2/98 2-2-98

"may not Lease Expire"

This section is the only exception to the general rule, Secs 115 & 112 that no enhancement of assessment can take place till the term expires. Sec 114 (a) the latter portion is governed by Sec 53. But a closer examination of this provision shows that it is so hedged with restrictions – such as its being applicable to "assessment + passed under the provisions of this Regulation" 11 & the case where "such land is appropriated for any other purpose" – as to make it doubtful if it covers the present case.

4/2/98

R.D.7.15 Rm.
4.2.98

Send all these to the S. Supt. asking for his opinion & information regg the practice in Bombay. Also write to the Superintendent to ascertain the practice in Madras etc

4/2/98

+ apparently by the occupant.

Board's Standing order No 4
+ the applicant will be asked to pay Rs 190 (vide Sec 184) & Rs 190 (vide Sec 184) which will be credited to Bank
I shall write to Madras etc
4/2/98

No 61 dated 9-2-95
F. 1085-95

The entire file together with the Govt order in
the Rampan Channel case is
forwarded to the Superintending
Engineer Revenue Survey in
charge for opinion as to the water-rate
chargeable respectively to the occupants and on the premises in Bombay

9/2/95. M Lyncaney
for Secretary

The Survey Supt's reply has been
received
His opinion is that Sec^n 53 of the
L.R. Act authorizes the Govt to
impose water-rate respective
of the wishes of the occupants.
of Govt should provide the
requisite water-supply. He
believes that the practice in
Bombay is to allow to the
occupant the option of taking
the water or not but that this
is a concession & not a right
chargeable as such.
Since writing the former memo.
the proceedings of the Chief Comm^r
nos 11390/9 1722 of 25/9/78
& no 1033/1864 of 17/2/79

The papers are referred
Dane for disposal. Will
the asst Secy be good
enough to note down
the points on which orders
are necessary.

11/8/1901

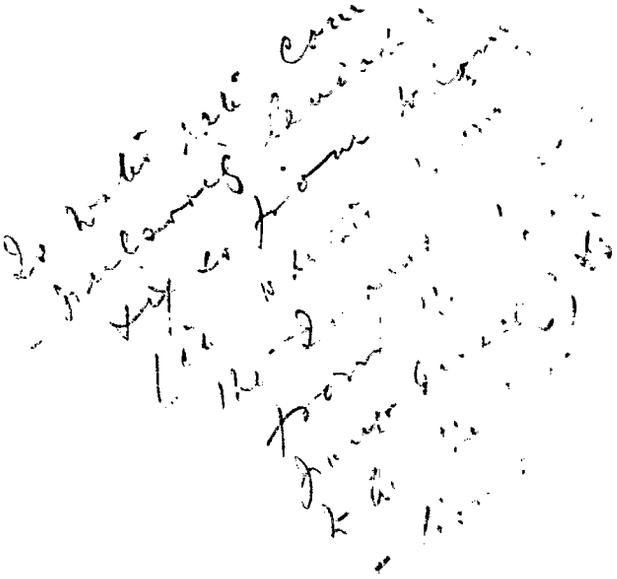
13/8/01 Supt & 1st Council Mtg

The points on which orders
are necessary are

1. The complaint of Mustafa
that the water-rate of
Rs 4 per acre levied on
the inam lands of
Gundamchatti &c is
excessive and that only
Rs 3 per acre should be
charged

2. The complaint of Mustafa that
the taliari considers
deals directly with the
ryots of the inam
villages in regard to the
imposition & collection

This complaint
was not allowed
by the Council
Chairman
questions
Rs 3 per acre
Chairman
Vice



of water-rates tendered and that this action was subversive of the officer's authority over his raiyats and upset his own arrangements with the raiyats

As regards (1), the complaint has been rejected by both the Courts below (Decisions 25/9/94 (Sno 12 specific). The petition is within the above is & is affirmed & reconsidered

As regards (2), the Hon'ble Mr Chas Dewar proposed a rule be framed under sec 53 & prevent the accused from dealing with the raiyats of the mauza when the Maundar himself was willing & use the water, and in other cases to authorize the accused to deal direct with the raiyats. The Deputy Commr of the district then Mr Dewar passed

If you think there are grounds for reconsideration please put for hearing

4/3/1907

I suffered from the Maunder when I visited the village & perhaps may be some grounds for a lower rate but I feared. It is an evil that we lean him in Council. You may fix the case for hearing

Chas Dewar

Before the Government of Mysore.

Petn
~~Appeal~~ No. 2042 of 1894-95

Appellant. ~~Mallappa~~ Vs. Respondent.

Venkat Rao / Inamdar of

Complaints regarding the imposition of water rate as well as irrigation cess on certain lands in the Inam village of Chinya

Reported for hearing on 23-10-02
Notice issued on 3-10-02
Served on 14-10-02

Rc. 20/10/02

23/10/02

Venkat Rao & his d on present

order reserved

23/10/02
C.

Central Jail Press, Bangalore,—7-7-99.—302.

Subd to 1st & 2nd Grievances

The Statement of the petr taken down at the hearing is put up

In regard to the first point (viz claim for the remission of water-rate on 121 acres of wet land in Bheyga & Mayr) attention is invited to the D. Comr's letter d 27/7/94 (Sh no 11, open file) & to the Inam Regr of Inquiry in the case of Bheyga Village received with Inam Supt's docket d 27/6/02 (Sh no 27)

The total annual demand on the petrs on account of Bheyga Village comes up to Rs 613-13-3 & is made up of the following items

	Rs-as-p
I Water-rate at Rs 4 per acre on 120-32	483-4-0
II Local cess on	

the Survey Valuation
Rs 1067-4 (which includes
the water-rate) :— Rs. as p.
66-11-3

III Irrigation cess on the entire wet & garden area ie at Anna on the Survey Valuation (ie Rs 1022) thereof } 63-14-0

Total 613-13-3

As regards Item I, the levy is proper as the Inam lands were dry at the time of grant and were converted into wet at the time of Survey Settlement (vide the Inam Regn where the old valuation of the land is said to Rs 29 odd at dry rate). The rate of 4 Rs was fixed by Govt Proc No 1005 dt 23/11/78 Rev. reft'd to in Proc dt 12/5/85 (Copy put up) & this is also the rate under Rule 33 of L.R. Rules

As regards Item III, the levy is also proper under Para XVII of the Survey guarantee (P 195 Rev Manual)

CC

Keep this with you
& bring up with at the
next hearing 5/2/03.

19/11/02

Bring up at the
next meeting of the
Essex constabulary
Council (ascertaining
from the Council Clerk)

10/2/03

Let this be given to me
before the next batch
of Revenue appeals
come on for hearing - I have not yet
been able to speak
to the Revenue on the
subject - C.

19-4-03

20/4

E

Ref. 93
30-7-03.

I am sorry I have not
yet been able to discuss
this question with the Inl
Rev - I will do so
- & as to the [redacted]
- how he proposes to
call for already forth-
coming - I [redacted] why

31/7

31/7

call for a further report?
The Petitioner seems to
have had nothing to do
with the construction
of what is known as
Manekji Cowasji Halls — It is true that
Govt never constructed
or maintained it but
this seems to make
no difference — I am
of opinion that Govt
should decline to
reopen the question
which was decided
after careful considera-
tion —

30/11/03

Submitted to the First Commissioner

Dues
1/8/03

R° 1.8.03
night.
4 We may decline
to reopen the question

Dues
1/8/03

3/8/3

Pet 1125

90-8D

7-3-93

Pet in . 4 of proceedings
6/3/93
Read & Destroyed

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1883/104

dated 21-1-93 received at the

Dewan's Office from Assistt Commr Nagamangala for the Jaghir village of Gunjanahalli in Yedahalli Talaq appealing against the Jamabandi order dated 12-10-92 directing the pets to pay both the wet & dry rate as well as irrigation cess on the said village

is forwarded, together with its One

enclosure, to the Deputy Commissioner Mysore District for submission of proceedings with a report on the facts of the case and on the points taken in the petition.

2 The petition with its enclosures should be returned

L.R. 157-92-2

By Order,

(Draft) 3/3

Chief Secretary.

BANGALORE,
3 Feby 1893.

M. G. C. P. Bangalore.—21-11-92—3,000.

From the same No 2164 28-8-93

(General Serial No. 30.)

1893. 283-8

P. 126

From

The Deputy Commissioner
Mysore District

To

The Chief Secretary to the Dewan
of Mysore.

L-R. 15-7-92-4

Dated

28th August 1893.

Despatched

Received

Enclosures No. Petition with its Enclosure and Canarese records.

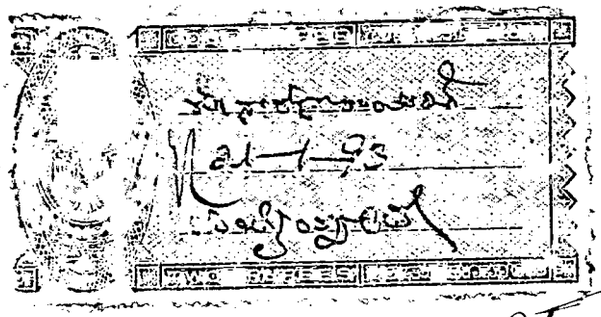
General No.

No. 216

Reporting on the petition from Nooruddappa, Agent for the Inglur villages of Gundhanahalli &c in the Yedatore Taluk.

Petn Br.

3018



(1)

Two Rupee Stamp

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. NO. 1883R
DATE 23-1-93

A.S. No 104
92-93.

In the Court of his Excellency the Dewan and the Honourable the Councellors to His Highness the Maharaja of Mysore.

Montappa, the agent for the Jahagir villages of Gundanahalli and two other villages in Gadaloor Taluk, respectfully begs to appeal against the order of the Deputy Commissioner of Mysore dated 2nd October 1892.

For the Jahagir villages of Gundanahalli, Chenya and Hirakadi the Government used to levy a local fund of Rs. 2-8-0 and an irrigation cess assessed of Rs. 4-3-6 in all

Rs. 81-11-6

the appellant.

5. The appellant Complained to the Deputy Commissioner of Mysore and the learned Deputy Commissioner declined to grant any relief to petitioner

6. The appellant respectfully begs to submit that the levy of water rate at Rs. 4 is illegal as the Channel was not Constructed by Government and that there is no law requiring the levying of local fund on water rates

7. The levying of irrigation cess and also the water rate in the same piece of land is not Authorize by the rules in force and more especially the Survey of the village has taken place.

8. The appellant further begs to Sub that in the village in question the Same Assessment assessed the wet land at Rs. 6-2-8 per acre for valuation purpose

then

prays that this Honorable Court will be pleased to direct the Taluk Authorities to stay the proceedings to collect the arrears and local fund cess for the year 1891-92 until this appeal is disposed of.

And for which

S. Narayana Rao
Appellant

21st January 1893
Bangalore

Before the Government
of His Highness the Maharaja
of Mysore

(8)

Appeal No 104 of 1892-93

Appellant
Muniappa
agent of the
Inam villages of
1. Gundanahalli
2 Chenga
3. Basanhalli
of Yelahanka Nagara
District

L.R. 157-92-5 Decision dated 26-2-94

The Appellant's complaint is that Local cess has been charged twice over on his lands in Chenga. The irrigated lands of the village were valued by the Survey Department at Rs 1022

	assessment
Kharab 168-14	1000
garden 3-32	22
	1022

as shewn in the margin, and local cess was charged on this amount. Cent of this area, a water rate of Rs 4-34 was charged on 121 acres and local cess was again charged

also—

on this account. This is clearly wrong. The Deputy Commissioner is requested to remit the local cess charged on the water rate.

2. Another complaint is that water rate was charged at 4 Rs instead of at 3 Rs under Section XIX of the Revenue Rules. As appellants lands are said to be irrigated from a private branch channel drawn from a Government channel, the proper rate of charge appears to be only Rs 3. The Deputy Commissioner is requested to reduce the charge or report, if there are any special reasons for charging Rs 4.

3. The appellants advocate has withdrawn all other points of complaint

By order,

Redraft

Chief Secretary

12/1914

J.

4/3/14

No. 1883
104

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
4th March 1894

8-3-94

(7)

Endorsement granted to Timmappa, agent of the Inam villages of Gundenhalli, Yedatore Taluk

in reply to his Petition Registered No. 1883 dated 21st Jan 1893 appealing against the Deputy Commr's order 104 directing petitioner to pay both the water rate as well as irrigation cess on wet lands in Inam villages

Petitioner is ~~informed that~~ referred to the Deputy Commissioner in whose orders have been issued.

2 Nuzzi is returned

L.R. 157-92-6.

2/3/94

Redraft

MK.

"By Order"

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

(11)

(General Serial No. 30.)

1467.

1894. Pet 84

Pet. Branch
8/7/94

L. R. 157-92-7

From

The Dy Commissioner
Mysore dt

Read 4/8.

Sir

The references were submitted to the Council on 15/5/94 with Petition No 25 &c dy 24/2/94.

Read 6/8/94.

Where are Hiriyur?
Uf 13/8

To

The Chief Secretary to the Dewan of Mysore.

Dated 27th } July/94
Despatched 31st }

Received

Enclosures No. 1 File.

General No. 111
No.

To The Revenue Branch

Please put up P. F. 103 of 93 which is said to be in your Branch

Read 20/8/94.

Sec's no 14884 / Pet F. 103/93 dy 4/3/94 forwarding copy of Govt's decision in appeal case no 104 of 92/93

With ref^ce to para 1 of the decision, states that no local cess on the water rate appears to have been charged.

With regard to the 2nd item of complaint, viz., against water-rate at Rs 4/- per acre, states that, under the circumstances detailed, the Inamdar is not entitled to any reduction and that it is inexpedient to leave the channel as a private branch channel any longer

To

The Pet Br.

The file in question was submitted to the Chief Secy on 7/8/94 with Pet no 788 from the Amildar & Agent to the Village of Gundenahally Yedatore Taluk —

Read 20/8/94.

The Palegar and Amildar of Yedatore should file in the Chief Secy with references

Uf 20/8

Sir

Pet F. No 103 of 1893.

Submitting.

Order to be communicated

20th 24-8-94

was further advised by the Inam ryots as required without permission of Manalugudda or the Government or the intervention of the Inamdar; and the Inam ryots all along paid the full water rate of Rs 4 per acre. The Inamdar is, moreover, at issue with the ryots about the wet cultivation, and objected to water being at all supplied to the Inam lands. It is, rather amusing that he should now claim any credit for the excavation of the branch channel or a reduction in the rates on that account. Moreover the water supply in this channel requires careful management and its improvement and regulation must be taken up by Government as the Executive Engineer has lately informed the Rev. Department that the channel requires to be improved, and that till the improvement works are executed, it would be advisable to stop the supply of water

to the Inam villages.

3. I am therefore of opinion that the Inamdar is not entitled to any reduction in the water rate and that it would be inexpedient to leave the channel as a private branch channel any longer.

I have the honor to be
Sir
Your most obedient Servant
[illegible]
for Deputy Commissioner
Mysore Distt

Compd.
ulu

1893

No 172
18.8.93

To

The Chief Secretary
to the Dewan of Mysore

× × ×

5. The Amildar reports that Manchu-
gowda had excavated a Hickal of about
1 yard deep and 1 yard wide through the Inam
lands of Gundhanahalli to irrigate his
lands in Chikkanadurgudi at the end of the
Channel (Hickal), that the Hickal though ex-
cavated by Manchugowda at his own cost
is deep in soft ground, no blasting or rock
cutting being met with, as in the case of Channel
dug by Bakshi Narasappa, and other Inamdars
of Dibhalli, Halegur and Kosur, that subse-
quently the ryots of the Inam villages im-
proved the Hickal by widening it, and fixing
sluices to irrigate their Inam lands, and
that as Manchugowda has obtained free
of sale an extent of 23 acres of land in
consideration of his exertions, no reduction

of assessment is called for. He also reports that the survey assessment ought to be levied from the year 1885-86 when the Patak was settled.

6. The records show that during the Survey settlement the whole of the marginally noted nos: of Chickanaddarguli which had been classed as Kharab, were first registered in the name of Manchingowda, being assessed at Rs 113/- at the net rate of Re 1/- per acre, that on the subsequent report of the Amildar bringing to notice that out of the total extent of land no 73, the portion lying above the channel in question was in the holding of one Mallige prior to Survey settlement as per Darkhast, the Survey Superintendent ordered the reclassification of the land, that accordingly the portion above the channel, ie 12 acres 23 guntas was assessed at the dry rate of 1R per acre, and the other portion ie 22 acres, 15 guntas of no 73, was assessed at Rs 127-8-0 at the wet

	A	G
no 73 -	37 -	28 ½
no 77 -	1 -	30.

(12)

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 104 of 1892-93.

Appellant. Vs. Respondent.

Seerthappa. agent of the Inam villages of Gaudanahalli &ca represented by Sri Ramaswamy Iyer

L.R. 157-92-8

Decision. 25-9-94.

Petitioner's complaints are two, viz.-(1) that local cess was charged on wet acres as fixed by the Survey Dept., and also upon water rate charged upon the same land & (2) that the water rate was charged at 4 Rs: an acre, while it ought to have been charged at 3 Rs: an acre since the channel upon which it was irrigated was a private channel.

M.

At the hearing he also complained that irrigation cess was charged on water rate.

The deputy commissioner, in his letter dated 27th July 1894 No. 111 reported that the complaint, that local cess was charged on wet asst as well as water rate, is not true, and that the so called private channel under which the lands are irrigated was not excavated by petitioner, but by one Imamlie Gonda, who himself has not been allowed any reduction in the survey assts of his lands. petitioner admits the fact, that the channel was excavated by Imamlie Gonda but contends that he is entitled to the lower rate

(13)

Gen. Serial No. 32.]

189 5

No.	2042
Name of Petitioner.	Srinivasa
Village.	Agent of Gandhamanahalli Chinnya Gowda Channigaya
Taluk.	Yedatore
District.	Mysore
Date of Arzi.	19. 11. 94
Date of Receipt.	13. 2. 95
Date of Disposal.	
No. of Enclosures.	2.

ABSTRACT.

Application for remission of the Govt. share contained in Endorsement No 1883 & 22.10.94 2721

Petitioner states as follows:—

(1) He should be exempted if it could be proved from accounts that actual assessment and water rate.

(2) Levy of water rate as well as irrigation cess is contrary to rules. Therefore the whole of the water rate must be remitted.

(3) As there was an agreement

entered into, at the time of
constructing the branch channel
between Petitioner and Granche
Gonda, to the effect that
Petitioner should be allowed to take water from the
channel for irrigating his lands in
consideration of his having
allowed the channel to be
excavated in his lands, that
portion of the channel which
is within the limits of his
own village should be
considered to be his private
property.

He prays that the order
of Govt may be reconsidered
and that the whole of the land
rate charged on his lands in
Kenya may be remitted and
that charges on his lands at
Gandhinahli & Bisnahalli
may be reduced by one Rupee.

S.V.

Pet
F. 103-93

1076

P.

(16)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

1761

The accompanying Petition No. 3004 dated 5th May 1895 received at the Dewan's Office from Mr Lapsley Agent of Indian Rail Co Saheb Jan of Sowcars, Jr & Sowcar Kalle & Vedatha Setty, praying sanction to Channel Water right & is forwarded, together with its enclosures, to the Dy. Commr Mysore for report. If water is given from Rail's without the consent or under protest of the Inamdars the proper course would seem to deal with such Ryots directly for such water rate

Y the consent of the Inamdars

L. R. 5-7-95-11

By Order,

Draft

Chief Secretary. 4/6

BANGALORE,
30-5- 1895
1076.

In Cinder

Reminder

4/6.

M.G.C.P.B.—19-2-95—1,000

1774

(18)

From

The Secretary to Govt

To

The Deputy Commissioner
Mysore Dist

L-R. 157-92-13

dated 24" / 27 March 96

No 8785 ✓
P.F. 103-95. Encl one petn

His letter No 229 dated 16-8-95 stating, with reference to the complaint of Narottapra agent of Venkat Row, Jaghirdar of Sarvanaya village of Gundanahalli &c in the Yedatore talluk, that the Shanbar is not made responsible for the water rate due from the ryots of his village

With reference to the above has the honor to observe that no explanation is given therein in regard to the allegations in the petition - that water rate was entered in the Shanbar's Khate for Nundana and Vijaya and that he has been served with a notice demanding 1,700 Rs and odd from him and

threatening him with attachment of his village if the amount is not paid and to request that the Deputy Commissioner will be so good as to submit a detailed report after sending for the petitioner and ascertaining his grievance properly.

2. The Petition received with the above is herewith returned for reference and transmission.

By order,

Secretary

24/3/96

Rough draft

C 2

24/3

Send D. with the petition to the Revenue Commissioner under acknowledgement by Commr's letter 229 of 16.8.95

14/4/97

Put with Memo-note

Contd

23/4/97

6700

13 APR 1897

DEWAN'S OFFICE

19

From

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Dated 7th
Despatched } April 1897.
Received

L.R. 157-92-14

Enclosures No. Petition Orp. 300/4 and Commr's record.

No. 1502/4

Relating to the petition of Nanjaiah, agent of Venkat Row Jaghirdar of Sarvamanya village of Gundanhalli &c in the Gedatare taluk.

Petition Marah
17/4/97

17/4/97

Rec'd 13/4 OI 103 of 93 sent up AK 14/4.

(2956)

in spite of his repeated protests against the
Amildar giving water to the ryots of his
main villages without his consent, water
has been allowed and water rate de =
ducted from them in some cases and
when it was not paid by them,
that the amount has been charged against
the mandar and entered in his Khate,
no direct interference by Govern =
ment as above with his ryots tended in
no small degree to upset his own arrange =
ments with them for the payment of the
proper amount due from each and to
deprive him of the vested interests and
his hold over his ryots. The Amildar
reports that while from the mandar
an arrear of Rs 3330 odd is due for water
rate, the petitioner represented that the
ryots in their turn were indebted to
the mandar to the extent of Rs 6000 /
and that if the Government helped him
in recovering this amount from the ryots
the arrears due to Government by the

mandars

inamdars would be at once cleared.

4. The papers show that a sum of Rs 230-0-0 was recovered from the inamdar towards the water rate and Rs 657-12-6 direct from the ryots and that Rs 3360-4-3 are still due as per details in the margin, which the inamdar has not paid in spite of notices, because his contentions in respect of water being allowed to his ryots without his consent, has not been finally decided. The contentions of the petitioner on this point appears to be to some extent reasonable. The inamdar is primarily responsible for the regular payment of all Government dues on his Village and so long as this duty is properly discharged by him, there is no need for any direct interference with his ryots. Such interference is likely to weaken the position of the inamdar unless he

Years.	Amount due
Nirdrava (1832-33)	1-12-5-9
Vijaya (1833-34)	2-0-0-12-9
Jaya (1834-35)	0-13-3-0-1
Jaya (1835-36)	1-5-5-7-3
Total Rs	3360-4-3

(1645)

No 9764 dated 4.5.97 (2)
C.F. 103-93 from the Secretary to Govt
Genl & Rev. Depts

To the Supdt of Revenue
Survey in Mysore.

Sir,

Inst 2 recd.

In forwarding herewith copy of Mysore Deputy Commissioner's letter No 1504 dated 4th April 1897 together with the appeal petn with enclosures and the (x) papers received with the above, I am directed to request you to be so good as to state if you were consulted regarding the reasonableness of the rate of assessment ~~rate~~ imposed in this case and if not to favor Govt with your opinion in the matter.

to be obligingly returned

L.R. 157-92-15

I am also to request you to favor Govt with

with your opinion, re-
-garding the rules as
proposed below, about
the direct dealing of
Govt with the Inam ryots.
It is believed that there are a few recent
Inams on the Anjar & a few rules as proposed below - seem necessary
" " when Govt of its own
accord creates the source
of the water supply and
has water at its disposal
to be given to Inam lands
the Inamdar ought in the
first instance to be asked
whether he will take water
and bind himself to
pay to Govt water-~~cess~~ cess at
any rate which may be
decided upon. If he agrees
the Revenue officials will
record the settlement which
will become binding on
the Inamdar.

53
142
97
Under
n. d.

2. If however the Inam-
-dar does not come to
terms and the land is
in the permanent occupan-
-cy of inferior holders
under the Inamdar

(22)

Gen. Serial No. 30.]

189

From The Supdt Mysore Rail Survey

To

The Chief Secretary to the Govt
Dewan of Mysore.

Dated Doddaamund 29th May 1897

Despatched

Received

Enclosures No. with Vernacular

General No. 3
No. C

In reply to Public No. 9764 of 4-5-97
Fin 103-93

SUBJECT.

Submitting his opinion on the complaint & petition of Mundlapa Agent of the Savanuru village of Gundenhalli in the Jedalur Taluk re the reasonableness of the water rates imposed.

References (to be entered only in the Dewan's Office.)

No. 3
C

Survey Superintendent's Office
Ootacamund 29th May
1897

To

The Chief Secretary
to the Government
of Madras
General and Revenue
Departments

Sir,

I have the honor to acknow-
ledge the receipt of your letter
No. 9764 dated the 6th May
RT 103-93
1897 relating to the complaint
Petition of Muttaboa Agent
of the Sarcmany a village of
Gundaulli in the Nilgiris
Taluk and asking for my
opinion on certain Rules
which are deemed necessary
to regulate the dealings between
Government

(Section 53) the water rate must be included. In Bombay I believe instances of the Superior Holder objecting to any part of the Revenue being received direct from the Ryots, or even from the Co-Sharers, are not uncommon, and, in the present instance, I am not surprised that the Inamdar should make some objection of that sort.

4. Section 142 appears to me to lay down very much the same provisions as are now contemplated in

in the Rules suggested in your letter under reply. If the Inamdar wants no direct interference with his Ryots he has the remedy in his own hands. It should be made imperative on him to forward all applications for the use of the water in the branch channel, or other work in which the right to the water rests in Govern-ment, to the proper authorities. The Inamdar himself should be held primarily responsible to Government for the due

pearance

D2/103-93

Ref to ore first cpt for. Sl No: 8038 / D. 700 from Gen. Sec'tt No: 3 / c 7 29. 8-97. & submitted to A.G. Dewan on. 24-8-97. (as per entry in the Subs OBK)

Hebbeilles

AK 19/11/97.

AK 19/11/97

Forwarded to the A.G. Dewan

Sending D.to

M 19/11/97

D2/103-93

R 2/11 1897

From

(24)

The Deputy Commissioner,
Mysore District.

To

The Secretary to the Govt. of Mysore,
Revenue and General Departments.

Dated 12

Despatched November 1897

Received

General No. 565

No.

Enclosure No. —

L.R. 157-92-17

Stating that the Amildar has been directed to collect from the Agent to Sarsanamaya village of Gundu Shetti in the Gelatur Estate 3 1/4 of the water rate above —

Ref to AW 13/11/97

Received 5.10 p.m. 16/11

S.G.2

No reference quoted. Kindly please forward. Also be brought to S.

MM 17/11

Yes-

22-11-97

No. 565
Enclosure No. —

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Nagara Hennadu 189[illegible].

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

R-605.

In continuation of my letter No. [illegible] of 1st April 189[illegible], reporting on the complaint of Adhoor Kappa Agent of Surramanya Villages of Gundenahalli &c in the Yedatore taluk and requesting orders regarding the levy of water rate &c. I have the honor to state that with a view to collect the large amount of balances outstanding against the Inam villages, I have pending orders on my reference directed the Amildar to collect 3½ of the water rate advance, subject to the levy of the balance on receipt of Government orders.

I have the honor to be,
Sir,
Your most obedt servant.

Deputy Commissioner
of the Mysore District.

Copied
Vol.

Petition file No 103 of 1893 relating to the appeal of Dinshaw, agent of the Jagheer village of Ghandarshali Ydalo-na Dalak regarding his imposition of water cess and irrigation cess, on mal-lands in the Surat village of Chorya.

No 1st Act 93 13.2.98 P

Entries in the Petition file books with the Comptroller General's Office

The entire file together with the Comptroller General's Office is forwarded to the Legal Remembrancer in Bombay, for favor of opinion as to whether water rate is chargeable irrespective of the words of the agreement and on the practice in Bombay.

9th February 1898

(Sd) V. A. Thyagaraja
for Secy

True copy

L. R.

1932
21-5-14

Gen. 30.]

1898

Subd to 2nd Cr with Mem
& 3 proc books
My 30/3/98

7 Ans
30/3.

X I have taken back
the proc books as Mem
them for ref in the Compilation
of Standing orders but have per
us printed copies of proc

My 10/9/01

XD
3/4/01
21s

F-92-15-7-92-18

From The Chief Secretary to the Govt. of Mysore.

To

The Chief Secretary to the Govt. of Mysore.

Dated 2nd March 1893

Despatched

Received

Enclosure No.

General No. 642
No.

In reply to Mem No. Pet dated 10-2-93
203-93

SUBJECT

Reporting on the interpretation of Section 53 of the Mysore Land Revenue Code

Returned 29/9/98

References (to be entered only in the Dewan's Office).

Rec'd 26/3

Pet 103 993 relating to the subject is returned

AHC
26/5/98. Sub
28/3/98 My

No 642

Survey Superintendent's Office

Bangalore 2nd March 1893

To

The Secretary to the

Government of Mysore

Revenue Department

Sir

I have the honor to acknowledge the receipt of your Memo

No. 2R-5703-93 dated 16th February 1893

forwarding a petition from the Cheyetti

with Government Order in

Kaveripur Channel case) on the

appeal of Chunchaka Agent for

the Joshi village of Gangam

Kaillatty Hydrabad Taluk.

2 The question upon which

I am asked to give my opinion

is

is whether, under Section 63 of the Myore Land Revenue Code, water rate is chargeable (water having been made available) irrespective of the wishes of the occupant, and I am also asked to report upon the practice in Bombay.

3. I believe that, in the case of lands situated in Bombay, the occupant is not forced to take, and pay for, water if he does not want it, but this is not an admission on the part of the Bombay Government that the right to impose water rate irrespective of the wish of the occupant does not exist in Government; it is merely a concession, and the Bombay Government can veig-

very well afford to make such a concession, there being so little water used in the Province. But in all cases the case is quite different and works of irrigation are so numerous and important that, to forego the power, in my opinion, designedly given by Section 93, might lead to very great loss and injustice to Government. That in Bombay the practice alluded to is merely a concession is proved by the fact that although the Government, as a matter of course makes an annual settlement with occupants for the use of newly provided

on payment for Government
works, whether it was said or not,
and he added that the classifi-
-fication (sic) at the Survey
was permanent. It is certain-
-ly permanent so far as surveys
- ment is concerned but the ten-
-ure of assessment can be added to as
the very section (53) now
under discussion, as well as
other sections, clearly shows.
As regards the injustice of
charging water rate, irres-
-pective of the wishes of the ten-
-ant, it appears to me that the
injustice would be as against
Government if fresh assess-
-ing the attitude of Mustafa
in

in the case now under reference,
could say "you may construct
" what irrigation works you
" please but we will not use
" or pay for the water you may
" make available". The want
of appreciation of water made
available by Government is
very difficult to understand,
considering the numerous com-
=plaints, for channel irrigated
lands especially, & do not believe
it to be genuine but to be prompt=
=ed, as in the case now under
reference, by very doubtful
motives. I do not believe that
any defiant attitude would ever
be assumed, or if long-weeks, so.

I strenuously object

urgent P.

(26)

To

The Supt of Inam Settlements in Mysore

Pet 2266. dt 19.6.02

L.R. 157-92-19

Has the honour to letter No dt

Has the honour to request that he will be furnished as submitted the copy of the Inam Regr of Enquiry in the

list of the Sara-
swaya Brahmins
of Gundenhalli & Bhanya
in the Yedatore
Taluk

Bo.

19/6/42

27 1901-1902

16465

From

THE SUPERINTENDENT OF
INAM SETTLEMENTS IN MYSORE,
Ft 486 BANGALORE.

To

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 27th
Despatched 28th } June 1902.
Received

No. 132. of 1901—902

Enclosure No. Two.

Post for hearing to the 23rd Oct.

2/ I shall forward a note some time before the hearing 13/9/02

L.R. 157-92-20

As requested in this docket Sir's 2266 dated 19th instant, I have the honor to forward herewith copies of the Inam Registers of inamdars of Sarramangalam village of Gandhamahalli and Chenga in the Gudalore Taluk.

I have the honor to be
Sir,
Your most obedient servant,
Supt. of Inam Settlements in Mysore.

Petn
30.6.02

Rec'd
2/7

Summat of Tippasan — **in the Talook of** Yedatore

		DESCRIPTION, TENURE AND	
Old assessment.	Survey assessment.	Description of Inam.	
Where no survey has been made and no assessment fixed by Government, the cess paid by the ryots to the inamdar, or the average assessment of similar Government land, should be entered in column 7.		If for service, it is to be stated whether the service is continued. If for tanks, buildings, &c., whether they are efficiently kept up. Hereditary or for life.	Whether free of tax, &c., or liable to quit rent, *i. e.* jodi, &c., Amount of latter to be entered.
6	7	8	9
		For personal benefit	Free

Brick
O. T. V. Do a—0
10—" —" = 23—1—5

DOCUMENT IN SUPPORT OF THE INAM.

By whom granted and in what year.	Written instruments in support of the claim, original sannad, all miscellaneous documents, and other proofs of long possession. In this column it should be stated whether the Inam is held with or without grant, whether the grant is produced or lost, &c., and the general specification of terms of all documents produced should be given.
10	11
	Vide detail Case.

01 Mysore.

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND

Name of original grantee.	Name entered in the register prepared by Poorniah up to 1810.	Name entered in the accounts subsequent to 1810.
12	13	14
		A. S. In. Account 1831. Sowcar Entitled to Annaji Rowji Row Regimental Cavalry Charges ded — 1 8 Remitz — 10 A. S. In. Kyfeat Cattle 1838. as above

of the Adittagram

OF SUBSEQUENT AND PRESENT HOLDERS.

Particulars regarding present owner. If the Inam has been subdivided, the name, &c., of each sharer should be entered in the columns.

Residence, name, and age, &c.	Relation to original grantee or subsequent registered holders.	Surviving heirs of the present incumbent.	If unconnected with the original holders, possession how obtained, and in what year.
15	16	17	18
Dharwar.			
Dharwar Zilla.	Inscription Row	1 Row	
Vencat Rowdiar			
Swami Row—32			

Register Sheet No 126.

Taluk – Yedatore.

Parish – Tirumeru

Village – Gundhavadi D.No

Copy of the **Register of Inams in the Village of** Gunniamadi Sub. D. **in the**

CLASS, EXTENT AND VALUE OF INAM.

Number of case or entire holding under one grant in this village.	General class to which the Inam belongs.	Survey No. and name of field or fields comprised in the grant. Dry, wet or garden.	Extent.	
			Local measure. Even where the local measure is in acres, goontas, and annas, it is to be entered in this column.	Measure in acres and their fractions in decimals.
1	2	3	4	5
F.L.R. Regr No. 21. (Revd. Final Title Deed No. 361.)				
1.	Personal			

of Mysore

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND

Name of original grantee.	Name entered in the register prepared by Poornish up to 1810.	Name entered in the accounts subsequent to 1810.
12	13	14

H.S. Account 1831.

Canara Collectorate Annexure

Bonded Cowle Kattina Bond

Cultivation & Assessment of the Villages granted to Rao de Lima.

Yelapur Taluk N. Canara

Annual ——— 88-2-

Yelapur Beri ½ — 88-1-3-9.

Ryotwar Soolkam

Cutty Rs 36-8-12

Garden Rs Abkaree

included in Beri ½

Inscribed in the Canara ——— 20-8-12

Rs 7-2 ——— 387-2-5

Dry ——— 185-5-9.

Garden 23-5-14.

Jatti — 32-1-11.

185-5-9.

Deduct

Jain Dues } 0-5-0.

Bajirbale ——— 14-2-12.

Net ——— 182-4-5.

Bagayat

Area Pattajatti — 5-5-1 ——— 88-2-5.

H.S. Smith Yelapur Cutcherry.

1858

Canara Collectorate Accounts

Villages granted to Rao de Lima

Rs 7-2

Beri ½ ——— 366-3-9.

Ryotwar Soolkam

Cutty Rs 30-8-12 Rs 1-6

Garden included in Beri ½ ——— 31-8-12

Rs 582-2-5

of the Ashtagram

OF SUBSEQUENT AND PRESENT HOLDERS.

Particulars regarding present owner. If the Inam has been sub-divided, the name, &c., of each sharer should be entered in the columns.

Residence, name, and age, &c.	Relation to original grantee or subsequent registered holders.	Surviving heirs of the present incumbent.	If unconnected with the original holders, possession how obtained, and in what year.
15	16	17	18
Shanmar.			
Shanmar Pillai.			
Bombay Pariah	vide folio 9 Row	1 Row	
1			
Varadaraja Perumal			
Shanmi Rao — 32			

Division.

LENGTH OF POSSESSION.

Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding validity or excess of the Inam. Assistant's opinion and recommendation.	~~Review by the Special Assistant and confirmation by the Inam Commissioner.~~
19	20

1. A. Asli. —

As per Inam [illegible] Village account of 1831, [illegible] 20-8-12 [illegible] Krishta Row. —

	Villages.	Description.	Extent.	Assessment. Rs.	a	p	Jodi.	Quit Rent	Case No.	R. S. No.	Remarks.
A.	Gandamthalli & Hosur		...	1125	7	0	Free Sarvamanyam	...	1	126	
B.	Diggenahalli ...	...	...	323	5	3			1	127	
C.	Chinga ...			29	1	5		...	1	128	
D.	Biranahalli ...			2	4	1			1	129	
E.	Kuttamale Koppalu			34	7	4			1	130	
F.	Karagalli Koppalu			9	4	4			1	131	
	Total			1515	4	5					

2. Although the villages of Gandamthalli and Hosur form separate villages both in the sanad and in accounts, yet the being of the two villages included in one grant and the boundaries included in one and the same village of Gandamthalli and [illegible] fixed. Since the above villages are not separately shown in the schedule. I think the village Hosur may be treated as a dakhale instead of an asli. —

3. The sanad conveys the power of alienation to the grantee, the villages A to F may be confirmed to the party in full as free of tax under Rule 1. Clause A.

4. The items of [illegible] are enjoyed by the party as per sanad, [illegible] recorded.

5. Local fund & Irrigation cess are leviable.

6. Notification No. [illegible] has been given.

7. A valuation survey is desired.

8. Boundaries to be fixed by the Survey Department.

9. It appears there is a boundary dispute between the

Beechanahally

(Col: 19 Cont^d)

Recommended Pucka 1 à Bergandi Village, which will be inspected & the Owner further try to enjoy this Village.

10. The Village mentioned in the Schedule are under Report pages 2 to 6 Statistics per the Revised Census Manager for Dr. Prospect Plan papers dated 16th 30th March 1893 respectively, marked A to D, respectively Verified.

(Signed) C. Rajagopalan
Assistant
31/7/79

Notes.

A. Independent Owners.
B. Palace yard Plantations.
C. Stones Quoyed.
Land, Plantations, Huts, Village Roads & Paths
Cows, and Grazing Areas.
D. Statistics. —

Markets	2.
Tank	1.
Cattle	1.
Tope	1
Temples	2.
Vala	1
Pond	1
Oil Mills	2.
Loom	1
Shop	1
Thatched houses	75.
Tiled do	20
Population	563
Cattle	151.

* Sheep — 153.

(Signed) B. Rajagopalachari
Assistant.

31-7-79.

Remarks of the Special Assistant, and Confirmation by the Inam Commissioner. —

Column 20

1. Name of the Claimant.

(Signed) Robt Sole
Asst Collr & Inam Comr.
29/6/80.

2. The Nature of alienation as entered in the last Kyfiat Claimed.

3. Confirmed free, but subject to the Local Limited Assignation Cesse.

4. The items of Enjoyment Claimed, are Conceded in the Claimed, ex nihilo Facts.

5. The items of Nuzzur is received.

6. A Collection Survey is desired.

(Signed) Robt Sole
Asst Collr & Inam Comr.
29/6/80.

7. Revised as per the Revenue Proceedings No 4-91-8/133 dated 2nd September 1881.

8. Vide the Settlement received with Survey Supdt's Report No 556 of 21st September 1885.

	Rs.	A.	P.	Rs.	A.	P.
Total Area of the Claim	550	25	—	1	42	—
Deduct for Nine Acres	—	1	25	—	2	4
Balance	550	—	—	1759	12	—

Particulars

Particulars.	A.	R.	P.
Uncultivable	133	2	2
Cultivable	1054	13	821
Cultivable	141	4	870
Cultivable Garden	6	21	46
Total	1335	0	1739

9. Finally Confirmed for Life.

(Signed) D. F. Grant

10/8/85

Asstt Commr Trichinopoly.

10 Shri Vittoba is not entitled to remission under the Government Proceedings No. 14228-5 O.T. 155-93 dated 17th February 1894 vide Survey Superintendent's Guard No. 135 of 4-5-96.

(Signed) D. F. Grant

Asstt Commr Trichinopoly.

23-7-97.

"Copy"

Asstt Commr Office
Trichinopoly dated 27 June 1902

Asstt Commr Trichinopoly.

Compd

about the matter and recom-
together with a report as to the amount of water
cesses collected in previous years.

6 On the 4th June 89 the Amildar, in sub-
-mitting the deposition of Vadapoo Sookhoo
in which he admitted that having brought
the above land under cultivation with
the permission of Government he had
no objection to pay the water cess, but
that he had no occasion to pay any
contribution towards the improve-
-ment of the channel and that he already
paid the water cess for the additional land
he had brought under cultivation - as
well as the deposition of Chamboo Ramp
Ramjundah together with account No.1
and Statement No. 7, reported that water
rate of Rs. 364-9-8 was recovered from
the Inamdar for Swabhanu.

7 These were on the 15th November 89
Submitted to Survey Superintendent for
an Expression of his opinion - the above
Officer in reply stated in his No. 509 of 11 Dec.
89 that on referring to the classification
list it appears that wet & garden lands
referred to are supplied with water by
a channel from the Canvery - accord-
-ingly the Valuation Statement was
prepared and Submitted to the Inam
Department for further action.

8 Thereupon the Amildar was, on
the 15th January 90, directed to intimate

this to the Dewandar and if he was not satisfied with this he might appeal to Government and to recover from him the above rates in accordance with the Survey Valuation - Accordingly Endorsement of 20 April 90 was granted to the petitioner and a demand notice of 23 April 90 was also issued which was duly served on the petitioner

9. On the 7th September 90 Venkatakow the Jodidar himself submitted a petition in the matter to the Dy. Commissioner which was forwarded for disposal to the Asst. Commr. who sent it on to the Amildar on 23 Septr. 90 for Enquiry and report.

10 The Amildar in submitting the case papers connected with the case referred him to the orders passed by the Dy. Commissioner on 15th January 90 on the petition of Kaliperu Lockhow about the same subject. Thereupon the Asst. Commissioner directed the Amildar on 26th November 90 to issue an Endorsement to the petitioner also, agreeably to the above order. 14-10-90

11 The Amildar submitted the sale notice and requested that, as the amount due by the Dewandar was not paid in spite of the notice served on him, orders may be passed for the sale of the land - This was forwarded for sanction

15 On the 7th August 91 the Inamdar's agent Moorkappa again submitted a petition to the Dy. Commissioner stating that during his absence and without his knowledge the Taluk authorities collected taxes from the ryots of the Village, which was also forwarded to the Amildar and another English petition on 10th September 91 through his Pleader Mr. Narain Row which was forwarded for disposal to the Assistant Commissioner who sent it on to the Amildar for report on 24th September 91. The Amildar submitted the report called for and the Assistant Commissioner in forwarding it to the Dy. Commissioner with his No 198 of 23rd November 91 stated that the steps taken by the Amildar for the recovery of Government dues was regular and not objectionable and requested to be informed of his decision about the keeping of the local and irregular cesses in addition to water rate on land situated in the Sarvamanya Chavadi Village.

16 On the memorandum the Dy. Commissioner having issued notice for the appearance of Agent Moorkappa, and Mr. Narain Row & Gobbur having appeared before him on 17-9-92 asked for an adjournment. The hearing was adjourned to 6-12th October 92. On this date Mr. Gobbur was heard and on his stating that he could find no authorities in support of his contention the Dy. Commissioner ordered that

the Karnamanyandar was clearly liable to pay water rate as well as irrigation cess and then the petition must be dismissed.

Against this order the petitioner has appealed on the following grounds.

1. For the Jahagir villages of Sundanhalli, Chenya and Birnahalli the Government used to levy a local fund of Rs. 72-8-0 and an irrigation cess of Rs. 9-3-6 - in all Rs. 81-11-6 up to 1885 when the Survey of the said villages took place.

2. The Survey Department fixed the local fund @ Rs. 182-10-9d irrigation fund @ Rs. 121-2-0 and this raised the total amount to Rs. 303/12/9 and this amount was collected by Govt. up to 1888-89.

3. In 1889-90 the Taluk authorities demanded a further sum as water rate @ Rs. 4/- per acre with local fund thereon @ 4 as. per acre and the appellant objected to pay the amount inasmuch as the channel which irrigates the lands in the Jahagir villages was not constructed by Government.

4. As the Taluk authorities threatened to adopt coercive measures the appellant paid the amount under protest, and a portion of the amount was collected by the Amildar from the ryots, who owed Kandayam to the appellants.

5. The appellants complained to the Dy. Commissioner of Mysore and he declined to grant any relief to petitioner

6. The appellant respectfully begs to submit that the levy of water rate @ Rs. 4/- is illegal as the channel was not constructed by Government and that there is no law requiring the levy

Paper no (10)

25. Maorthappa now contends that he is not liable to pay water rate as ordered to be levied in para 22 supra as his lands of Chenga Village were ~~was~~ at the time of survey, ~~and on which he pays one~~ ~~rate~~; that the water rate can only be levied in the case of his other 2 villages, the lands of which were classed as dry at the time of survey, and on which he would pay water rate if they are converted into wet. In support of his contention he quotes Govt Pro: no 1071009 dated 12" May 1885 and para 25 of Survey Rules.

contention is new & is repeated & appears to have been drawn at the Legislative Council C's letter

assessed at wet garden rates

54 Rev Manual 1885

Rc 52 of the Survey Manual.

26. From the A copy of the proceedings is put up

Put up herewith
Subd

R 4/8/92

~~it will be seen that the Petitioner's Contention does not hold good. An Irrigation Case is Charged on all such Lands throughout the Province In addition to the above water rate is charged on Lands below tower Channels in the Okanagan and Kamloops Districts.~~

Subd for orders.

Dft The Dft's Solr by his letter cited in the Margin replied to the Calls Contr in the Govt Rec of which the Court Kept in Her Counsellors hand writing is threaded with this - The Dft's say that no local Officers has been imposed upon water rate as alleged by the Plff's, & that the Plff's (Plaintiffs) is not entitled to any remission in the full water rate of £4 per acre - The Channel irrigating the Lands on which this water rate is

x No 111 & 27 July 92

⊗ 14884 for 1884 7403-93 decision of this case on 19 2 94

Appeal to 104 of 1892-93

Abbi
Murkappa
agent of the Servai
village of
Gavisanahalli
in
represented by
her Ramaseriah Agt.

Petitioners complaints are

Petitioner's complaints are two

Viz → (1) That local cess was charged on land assd. as freed by the Survey dept. & also upon water rate charged upon the same land (2) that the water rate was charged at 4 Rs an acre, while it ought to have been charged at 3 Rs an acre since the channel under which it was irrigated was a Private channel. At the hearing, he also complained that

Irrigation Cess was
charged on water
rate.

The Dy Comr
in his letter dated
27th July 1894 No. 111
reported that the
complaint that local
Cess was charged on wet
assts as well as water
rate is not true & that
the so called Revabe
channel under which
the lands are irrigated was
not excavated
by Petitioner, but by
one Manchegowda
who however has not
been allowed any deduction
in the survey assts of Petitioner's lands
assets. The fact that
the channel was excavated
by Manchegowda
he contends that

The Dy Comm^r was requested to ascertain the grievances of pet^rs by personal enquiry (Serial No 181) 24/3/96

The Dy Comm^r's report No 1524 of 7th April 1897 & the reply.

The Dy Comm^r states that pet^rs' complaints are two

(1) That the water-rate of 4 Rs per acre levied on the pet^rs' land is held to be too heavy and that it shd be reduced to 3 Rs per acre, as the channel is a private one and not one constructed

2) That the ~~Dy~~ Asst Comm^r shd not accept applications from pet^rs' ryots for water without pet^rs' permission; and that in cases where water has been given to ryots without his consent, he has been held responsible for payment of the water-rate

As regards (1), the Dy Comm^r points out that the question has been thoroughly discussed on a former occasion & was decided against pet^r (Serial nos 11, 12 & 14).

As regards (2), the Dy Comm^r admits that the present practice of holding pet^r & their agents equally (or not sufficiently) responsible for the water-rate is bad and should be given up in favour of a compromise practice.

The Dy Comm^r accordingly asks for orders on the question whether the local authority can treat directly with the ryots of the Inamdar without the latter's intervention. The Dy Comm^r points out that if the question be decided in the affirmative (as indicated in Serial no. 16)

Take the necessary action in the matter of appeal lodged on behalf of his superior Border within a reasonable time the superior Border meeting the attitude of Abbey with Amb- assador and arrange the business with him.

Send them news also how they stop & ask him to forward this.

28/4/97

I do not think that there are any rules on the point - a few rules are alone described are helpful

If the boundary does not come between two persons & if the boundary is the property of another in their border the first owner is entitled to a reasonable water route or right land or anchorage & nothing else or such the boundary

Forward to Survey Dept as above

29-4-97

Draft letter to Survey Dept sending a copy as above note

3/5/97

M 29/4/97

with s 142. The word "occupant" as used in rule XIX is also misleading when we remember that, as defined in cl 16 of the Code, it signifies the holder of unalienated land.

The simplest course would be to amend Rule XIX (p 53) by providing

I that wherever an application for the supply of fat water to any waste land is opposed by a Native tenant or any person having a permanent right of occupancy against whom the applicant is entitled to proceed for recovery of his dues under s 97, that

it shall be accompanied
by the written consent
of the Sub holder.

II that when such
consent is not given, the
tenant may apply
direct to the Superior
or such other Officer as
the latter may appoint,
and thereupon the
said Superior may
by warrant under
seal the water
rate which shall
be recoverable as
provided for in s 142

III that when such
water rate is paid by
the Sub holder or his
Co sharer he shall be
entitled to recover the
same from the tenant
under s 97; and

IV that, for the
purposes of clause 3
of the proviso to s 97,

Proposed amendment of Rule XIX Land Revenue Rules.

In para 1 Rule XIX, after the word "wells" insert the words "water-rates at the following rates shall be leviable:" in lieu of the words "the occupants shall be liable to pay water-rate at the following rates:"

After para 4, Rule XIX add the following:-

5. Whenever an application for the supply of fore water to any main land is proposed by a Kadim tenant or one possessing permanent right of occupation against whom the superior holder is entitled to proceed for recovery of his dues under Section 97 of the Land Revenue Code it shall be accompanied by the written consent of the superior holder - When such consent is not given the tenant may apply direct to the Collector Commissioner or such officer as the latter may appoint

and thereupon the supply of water may be sanctioned after fixing the water rate which shall be recoverable as provided for in Section 142 of the Land Revenue Code When such water rate is paid by the Superior holder or his co-sharer he shall be entitled to recover the same from the tenant under Sec. 97 of the Land Rev. Code.

Provided that the payment of the water rate by the tenant shall not ~~be made~~ preclude the Superior holder from enhancing the rent heretofore paid by such tenant on account of the additional value imparted to, or profits derivable from, the land by the use of Govt. water subject to the provisions of Section 86, Land Revenue Code

Explanation - In the purposes of clause 3 of the proviso to Section 97 Land Rev. Code, the order of the Deputy Commr or other Officer fixing the water rate shall be regarded as a revenue settlement forming the basis of the claim for the

Note submitted with reference to Secretary's order calling for references as to the right of Govt to impose water rate on an Inamland without the consent of the Inamdar.

---

(1). Rampur channel file alluded to by Mr. Thyagaraja Iyer is put up. In rule II, para 3 of Govt Progs No (Camp) 1382-90 & 1st October 1888 (Serial No. 2), it is laid down that the Inamdars are liable to pay water rate on dry lands which may be converted into wet by new irrigation works constructed by Govt, in addition to contribution. Again in para 2 of Govt Pro: No 12466-88 & 7.2.1891 (Serial no 8), it is observed that under Section 53 of the L.R. code water rate is chargeable on all lands for which irrigation is made available, and that the

Vide Serial No 8 the file relating to Rampur Channel Extension. The late Councillor Mr. Stead Rows has made the following observation against portion underlined in red ink not read the Section in this Act. The word available appears to be character of Supply. See Rule XIX which clearly directs the charge to actual supply. It is manifestly unfair to charge water rate on lands because Govt have provided water, whether it is used or not. The classification of Survey is permanent. Please bring proposals in red ink to the notice for [illegible] consideration"

owners of such lands should be urged to irrigate such lands without further delay.

In para 3 of the same order, an enquiry has been made, with reference to para 5 of the Report of the Dy Asstt Commr, Ellapore District. (Sl no 6/a), as to why the Inamdar does not appreciate irrigation, and at the same time the Dy Commr has been asked to correct any misapprehensions which may exist on the part of the Inamdar and to ascertain and report whether the Ryots holding lands in the village have a better appreciation of water and would have it on the same terms as the Govt raiyats.

The above orders do not seem to vest in Govt the right of imposing water rate without the consent of the Inamdar, unless he converts his lands into wet with the aid of Govt water

* Extract. The cha
has not been execute
the 32d to the 34th rule
Jahagirdar of Kooff
is not willing to bring
lands under wet cu
pay contributions

Sub Bd Council with ref to
his order of 6/1/98

So no 12466-8 & 7/2/91 (serial no 8 &
723
the Rampur channel file) states that
"under sec 53 of the 2 Road water-
rate is chargeable on all land
for which irrigation is made
available". This seems equivalent
to stating that water-rate is
chargeable whether or not the
holder of land use it or not. The
ld thereto at Rep differed from this
view & his views are stated in the
of the Proceedings

In So camps no 382 & 1/10/88, (but
96
ref is stated "So will then
decide whether ... the
refusing land-holders should be
compelled to pay their due share
of contribution either in one lump or
by means of a temporary addition
to the well assessment for a

specified number of years"

This assumes that Govt has the power to make such temporary workings & not assessment irrespective of the wishes of the ho when the nature of the irrigation is improved

The above are the heads of the expressions one before & the other after. rating of the Land Rev Code The only question is whether they are justifiable under the existing Law

Mr Blanchard has held that the language of Sec 53 of L R Code does not justify the imposition of water-rate irrespective of the wishes of the holders of lands. The only other provision that is applicable to the case is para 2 of Sec 48 of the L R Code which provides for the alteration and fixing of assessment at a different rate when such land is appropriated for any other purpose notwithstanding that the term of any which such assessment was fixed

as the classification at Survey Settlement is per

In the Privy Council No 0550-5.

Dec 20/93

5 Dec. 89 — A Memorial of the question — were discovered. These papers show that in 1879 the Govt of Ontario & Dominion were in favor of comparing the Boundaries & take the water provided that the Privy Council finally decided as follows.

"The question whether the Dominion holders of dry docks can be compelled to take water provided for by the Act — & pay a due practical consideration for the same — under the circumstances that no difficulties will arise in the matter is properly arranged before the work is commenced — the Boundaries may not be equally satisfactory in the way when they are entirely under the dry docks, but the Dominion of the Canadian

Wrong except the settlement
Com'r had no right to make any other
omitted to point this point

& the ryots where the ryots have
such independant interest in the
land & where the Inamdar is
non-consenting the Govt might
enter into engagements
directly with the ryots and
impose
Para 4 of
Dn Order No 6856-8 dt 20/12/89
Page 193

the Govt which states that
~~the Govt has the right to~~
occupied Govt lands & Inamlands
already drawn as well as liable to
pay a water-rate in addition
to present water assessment in
consideration of the improved water-
Supply vide Sec 25 of 1874 of the
L R Code the Inamdar paying
such additional water-rate is
entitled to an enhancement of the
rent from tenant. vide Sec 86
Clause 6 L R Code"

This is also as well as the
order No 12466-8 dt 7/2/91 (Rampur
Chemical Case) the Govt held that
the Inamdar was liable to pay water-
rate in consideration of the new
or improved water-supply.

30/3/98

certain criticisms on the
rules and these arise
proceeded on the assump
that certain dry lands
for which irrigation
was provided by Govt.
were liable to pay
betterment respective
of the owners'
wishes
The Hon'ble Mr Dewan
also proposed an
amendment of this own Rule XIX
of the L-R Rules.
The question as regards (2)
whether it is necessary
to decide the general
question referred to
above before disposal
of the complaint and whether
any modification of Rule XIX
of the Rules or Rule 22 of the

If the scope of the
Rules are such that we
are dealing only with
lands which the owners
are liable to pay
betterment - we cannot
add [illegible]
[illegible] Nixon

19

Seen &
9/16/02

KR
9/16/02

"Next week that has
always been mine
and is mine - He
does not want a
decision on the
question of your
dealings directly
with his agents

On the other
question orders
are reserved -

O Cleveland Wagner

D Hadley 9/16/02

Statement of Venkat Rao before the Council 23/10/02

There are 3 villages, Gundenahalli, Branhalli & Kheriya belonging to us. The water-rate on 121 acres of wet land in Kheriya village should be wholly remitted. There are 150 acres of wetland in the villages of Gundenahalli & Branhalli irrigated from Kanchi Jowdana Kala. The water-rate on these lands should be reduced from Rs 4 to Rs 3 per acre. The reason for claiming exemption in the case of Kheriya village is that at the valuation survey the irrigation cess has been imposed on the lands on which an additional water-rate is now levied

but the correct
amount is $\frac{1}{17}$ th
Rs 1022 & not $\frac{1}{16}$ th
of Rs 1022 (or Rs 63-14-0)
as levied by the District
authority.
This mistake was
brought to notice at
the Dasara Representative
Assembly in 1891 but
×the Dewan thought
that the mistake
was trivial. The
difference in this
case is Rs $\frac{1022}{17 \times 16}$ or
~~a little more~~ about
Rs $3\frac{3}{4}$. & the petitioner
is entitled to the
Reduction

Vide wrong
Notification
of Rectification
Cl
appeal

Govt. reply to subject
81 of the D R A P for 1891

objection taken
correctly correct
tho the difference
small, the overcharge
formed of assessment
of the assessment
in some cases to be.
cannot hardly
receivable"

As regards the second item of complaint, it has been rejected twice by govt. (vide Sch 12 & 14, open file)

3/11/02

R.d 3/11/02
611

I think engineers maybe made whether petitioners had been put down a fence on sacrifice of land in the Construction of what is known as manchesonwoldy road & whether Govt either Constructed it or ever maintained it

8/11/1902

Hon. 10/11

I wish to check it the 14th inst on the subject. Please remind me of this on the next Council meeting day.

19-11-02.

to D.C. Gnio 101 14/11/02 Jr/stor

(General Serial No. 32.)

1892. 3

13

No. 1883

Name of Petitioner. Mookappa agent of Jagalur villages of

Village. Gundamakalagatte

Taluk. Yedatore

District. Mysore Hassan

Date of Appl. 21-1-93

Date of Receipt. 23-1-93

Date of Disposal.

No. of Enclosures. One.

Mahazar

in each case

sufficient

order proceed

me

to be called for

R. 12-7-92-1

Abstract.

Appeal against the

Dy. Commr's: order

dated 12-10-92 temp

irrigation tank & water

take on the bund of

Irrun Hosakere

Petn

29-1-93

hellam ask to

proceedings

pale & local

1891-92, until disposal

appeal.

mitted to the Council.

To Amildar Jagalur

note, desp — "that

record in his

the inti thereon

28/1/93

copies for stay

must

the records of

petn with Dl

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

1895-

24

30-8-93
10-3-93

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT, (3)

6/10 March 1895

Endorsement granted to Hoovappa, Agent for the jaghir villages of Gundamahalli &c, Yedatore Taluk,

reply to his Petition Registered No. 1883. A.S. 104 dated 21-1-93, for stay Proceedings pending disposal of his appeal.

Petitioner is informed that he must pay the water rate and dues in accordance with the Dy. Comrs order. Should Petitioner succeed in his appeal, he will obtain a refund.

2 The ~~petition~~ is returned.

L. R. 15-7-92-3

"By Order"

Re-draft.

for Chief Secretary. 7/3

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

147

D/216 - Petition with its 1 enclo. and ... were recorded.

From Mysore Deputy Commr's Office dated August 28th, 1893.

From

K. Mahammad Ali Esquire
Asst Deputy Commissioner

To

The Chief Secretary to the
Diwan of Mysore

Sir,

With reference to your official Memo no 1125 dated 11 March 1893 forwarding for submission of proceedings petition from Moorthiappa agent for the Jagir villages of Kandhanahalli &c in the aredatore Taluk complaining against the imposition of water rate and irrigation cess on wet lands in the Enam village of Chenya, I have the honor to submit herewith the Canarese records bearing on the subject containing an English precis of the same and the order of the Deputy Commissioner.

2. I beg also to submit a memorial petition on the same subject of an irrigat presented in my office 6-3-6 in all

Rs. 81-11-6

Moorthiappa and the order passed thereon by me giving a report on the facts of the case.

3. The petition received with the memo under reply is also herewith retransmitted.

I have the honorable
Sir,
Your most obed[t] servant

Dy Commissioner
Trichy District

Comp[d].
Ulu

No. 14884 dt. 4-3-94
Pol. F. 103-93 & K

27

Copy to the Deputy Commr
Impondis with the
records received with his
letter No. 216 dt. 28th August 1893

By order,

Chief Secretary

28

111
Measures No. 1 file

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,

Dated Mysore, 27 July 1894.

37

From A. Rangaswami Iyengar Esquire.
Deputy Commissioner,
Mysore District.

To

The Chief Secretary to the Dewan of Mysore.

SIR,

With reference to para 1 of the decision of Government in appeal case no: 104 of 92-93, a copy of which was forwarded to me with your no: 14884 / Rev: F. 103-93 dated 8 march 1894, I have the honor to state that having found now reference to show that as alleged by agent Mouttappa, local cess had been charged on the water rate of Rs 484, in addition to the local cess on the survey valuation of wet and garden lands in the Inam village (Changa), I enquired of the Amildar if the allegation was true, but am informed (vide report no 927 dated 4th) that no such local cess has been levied

levied separately on the amount of the water rate. The records, moreover, do not show that any such levy was ordered or made (vide particulars of demand given in the margin.)

2. With regard to the 2d item of complaint viz that the water rate of Rs 4 per acre was not justified, I have to bring to your notice that the Inamdar had no hand in the excavation of the branch channel which was in reality excavated by one Manchu Gowda. The circumstances under which the channel was allowed to be excavated by Manchu Gowda, are stated in paras 5 and 6 of my letter no 172 dated 12-8-93 to you (vide extracts appended). It will be seen therefrom that Manchu Gowda got Government waste lands free of cost in consideration of his excavating the channel and that he has been granted no concession in re assessment as his wet lands are assessed at the full survey rates. The channel

rate of Rs 5-11-0 and 1 acre 15 guntas of no 77 at Rs 8/ at the rate of Rs 6 per acre. That the Akarband was not received & corrected till Sarvajith 1887-88, that when the Amildar solicited orders during the Jamabandy to register the dry portion of the land in the name of Maliye. Mr Ananda Row, who held the Jamabandy, directed the Registry of the same in the name of Invaliye and called for a report on the points referred to in the Proceedings under reply. In regard to the latter, the Amildar reports that no action was taken. As the Survey Superintendent has fixed Rs 5-11-0 and 6 Rs per acre, the difference of the assessment, if now levied on A 23 - G 30, still amount to Rs 128-8-0 for the 2 years, 1885-86 & 1886-87.

I have &c

(Sd) Mahamed Ali

Offg Deputy commissioner

Extract

Deputy commissioner

Mysore

Mysore District

Mysore
August 1894

Compd
Ilen

rate, since it is not a Govt. channel and the Govt. do not incur any cost for its maintenance. This contention is inadmissible. A lower rate has been fixed for private channels, in consideration of the capital spent by the owner in excavating the channel. This consideration does not exist in the case of a stranger and he is not entitled to any indulgence. In the present case, even the private character of the channel is also doubtful, & the owner of the channel himself has not been allowed any concession. As regards the complaint about irrigation

irrigation cess, its charge upon water rate is quite correct and in accordance with the practice in the province. The appeal is therefore dismissed.

"By order"

22/10

for Chief Secretary.

No. 6890 of 16/10/18
Pet F. 103-13 3/11.

Copy of the Dy. Commr. Myaungmya District returning the records received with his no. 111 dated 27 July 1894

for Chief Secy.

Redraft

SMR
Commissioner.

4/10

45

REVENUE DEPARTMENT
RCVD. NO. 2042R
DATE 15-2-98

	168-14	1000
	3.52	22
		1022

relating to this
Taluk.

(16)

15

L.R 15-7-95-10

Gen. Serial No. 32.]

1895

No. 3004

Name of Petitioner. Goorlappa - agent of

Village. Venkatè Row - Jahagirdar of Sarvarayanya Gudda in -halli and other villages

Taluk.

District.

Date of Arzi. 8-5-95

Date of Receipt. 11-5-95

Date of Disposal.

No. of Enclosures. Nil

ABSTRACT.

States that he submitted several petitions to the Taluk District and also to this office complaining that during Valabalè Survey local cess @ 1 anna per rupee on the total levy of wet land in Chenga village and also local cess @ of one anna per rupee were imposed - and protesting against the supply of water from the channel of Tavile tank to the ryots holding wet lands in the Sarvarayanna Gudda village of Gudda in halli, Chenga and Siriyahalli on account of his inability to pay the high rates of Rs. per acre charged on the wet

the Revd. Commissioner
103 of 1893
Claims about levy of higher rate of water rate
cases were disposed
decision of 25-9-94
represent on Petn. also

in this that channel against his wishes from village and moreover charged 6 as he prays that also in 6 the ryots of pre sumed.

when the dry crop is not water is given from Regular channel under the head the proper course would seem to be to deal with such Regular direct for water rate - Mud
15

Court and demanded of him - that the above
authorities were not pleased to take his representations
into consideration - that in spite of this the Zalaki officials
having through self interested motives supplied the water of
the above tank to the roots of the above villages upto the
end of the year Jaya - Enclosed the water rate through Clerk for
into the Khata of Lucandar, caused the arrear due by him for
Kandana and Vija to run up to Rs. 1765-9-9 and issued him a
notice that if he failed to pay up the amount his property will
be attached and sold - that on this he submitted a petition to
Dy. Comr. on 19-12-94 protesting against the payment of the above
sum as the water was supplied by the Zalaki authorities against his
that if the Zalaki authorities have entered into his Khata the
rate for Jaya also - he cannot pay it - also that the amount
is just too much less since the Zalaki authorities issued water to
roots who asked for it - Prays that order may be issued to the
Comr. to direct the authorities not to supply water of the above
tank to the wet lands of Kandamadi, Kiriya and Beraina ha
from the year Kumbuk - and that he may also be pra
a detailed endorsement in the matter.

Further states - that water is let in to Zalaki for wet cultivation
during about the 10th or 15th of June - that he has submitted this
petition one or two months earlier, previous to the above date -
Prays that as above prayed for, early orders may be issued
to the Dy. Comr.

1895.

Rev. Commissioner with ref. to Rep. No 3004.

(15)

(7)

REVENUE DEPARTMENT
1895 Ol. No. 1407
No.
19 AUG 95
DEWAN'S OFFICE

From The Deputy Commissioner,
of the Mysore District.

To Revenue Government
The ~~Chief~~ Secretary to the ~~Dewan~~ of Mysore.

Dated 16th
Despatched } August 1895
Received

Enclosures No. One

No. 229

L. F. 15 7-8-95

Reporting upon the petition of Moortappa, agent of Venkat Row Jahagirdar of Survamangala village of Gundanhalli Hee in the Yedatore Taluka.

Return
11/8/95

Rev. Commissioner with ref. to Rep. No 3004.

That in Nanjana & Vijaya was entered in the Inamdar's Inamdar served with a if he did not pay it his immovable property & the rel

The Petn refers to petition addressed here to the Dy Com on 19-12-94. from the date of the water rate demanded in that & that he been refused no order released on paying the attachment attached during amount were paid - The Dy reports does not make any these allegation only says that Petr has not paid demand by reports it is not clear Petr has come

2/8

do 22/8

obtained
Pet 26-8-95
made this
grievance
entertained
27.3.96

No. 224 Rev. one 37

Deputy Commissioner's Office,
Mysore District
Camp Hunsur 16th August 1895.

To

The Revenue Secretary to the Government
of Mysore

Sir,

With reference to your official memorandum No. Ret 103-93 of the 30th May 1895, forwarding for report the petition of Moortappa agent of Venkat Row Jahagirdar of Survamanya villages of Gundan-halli etc in the Yédatoré Taluk, I beg to state as follows:

2. The petitioner complains that as water rate imposed for water taken for irrigating the lands of his Inam village are levied from him, no water should be given to the ryots of his village without his consent.

3. He is not made responsible for the water rate due from the ryots of his village. It is levied direct from the persons that take water from the Government channels

4. The petition is herewith returned.

I have the honor to be,
Sir
Your most obdt. servant

Deputy Commissioner.
of the Mysore District.

1504
ures No. Petition
Co. 3rd Record
Cur

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 7th April 1897.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

I have the honor to forward herewith the petition of Moorlappa Agent of the Saravanangya villages of Gundahalli &c in the Yedatore Taluk and previous correspondence on the subject, I have the honor to state that from an attentive perusal of the Vernacular correspondence that has till now transpired and from the representations of the petitioner himself in the matter, his complaint resolves itself into two main heads as follows:—

2. Firstly. The petitioner represents that the branch channel passing through the main villages, of which he is the Agent is one constructed at private expense and not by Government; that such being the case, water rate charged on the irrigated lands at Rs 4 per acre is excessive and that in the case of lands under similar branch channels constructed by private enterprise elsewhere in the Taluk, only Rs 3 per acre had been charged. The Amildar states

states that, though as alleged by petitioner, a water rate of Rs 3 per acre has been levied under the branch Channels constructed by the inamdars of Nossoor and by the ryots of the Government village of Thippur, yet the Government in their order dated 25th September 1894 in Appeal No 104 of 1892-93 were pleased to consider that this inamdar was not entitled to the Concession because the Channel was excavated at the expense of one Manchoo Gauda. The main question involved viz whether the portion of the Channel excavated by Manchoo Gauda through the inam villages of the petitioner is to be considered a private Channel or not. Apart from the question, a reduction in the rate of the water tax is said to be claimed by the petitioner as a return to the inamdar for the increase of Government revenue from the said Channel taken through his inam villages to irrigate lands in the Government villages lower down. This argument is untenable as the Channel has benefitted the inam villages to a large extent.

3. Secondly. The petitioner contends that

he is not agreeable to water being given to his own ryots when a channel has been excavated at a large outlay. If in the latter case the Government is to claim the whole benefit of the supply of water by directly dealing with the ryots the question is, how is the conversion of dry lands into wet in an inam village advantageous to the inamdar, who is held responsible for any default. It is an important matter requiring distinct orders of Government

5. In the present case however no uniform procedure was adopted by the Amildar to recover the amounts of water rate. The inamdar was held wholly or partly responsible in some cases while in others the amount was recovered directly from his ryots. It is this dual course of action adopted in the case that has given rise to Complaint

L

from petitioner as the inamdars Agent.

6. The petition received with the docket under reply and the entire vernacular correspondence on the subject are herewith submitted.

I have the honor to be.
Sir,
Your. most Obedt. Servant

for Deputy Commissioner
of the Dharwar District

Comd.
Ulr.

there is no objection to the Court authorities dealing with such holders directly and coming to a settlement with them.

Likewise if an Inamdar wants water he may apply to the Mulkar and come to a settlement.

If his Superior holder wants it he may ordinarily apply through the Inamdar If the Inamdar does not take the necessary action in the matter and apply to Govt on behalf of his superior holder within a reasonable time the Superior Holder may then be at liberty to apply to the Mulkar and arrange the business with him.

If the Inamdar does not come to any terms or if the land is not in the permanent occupancy of any other Superior Holder the Govt should then

at liberty to impose a reasonable water cess rate in such land and enforce the liability to pay such cess upon the Inamdar"

Thanks.

C2.
Draft

Secretary (W&E)

4/5/97

3/5/97

Government and the Inamdar when the former, of its own accord, creates the source of water supply and gives the water to the Inam lands of the latter.

2 I cannot find that in the particular case under reference I was consulted as to the reasonableness of the water rates imposed. The village concerned has not been surveyed in detail and assessed

3 I beg to make a few

few remarks upon the pro-
-posed Rules. The Deputy
Commissioner justly describes
the complaint of the Inamdar
to the dual course of action
adopted, that is, making
terms separately sometimes
with the Inamdar, and
sometimes with his Ryots
direct. Under Section 142
of the Land Revenue Code
it appears to me that the
Inamdar is responsible
to Government for the whole
of the land revenue which
Section

revenue as represented by the water rates fixed under Section 53 of the Land Revenue Code. If he fails the provisions of Section 142 would have to be followed.

5 The Rules now suggested in your letter under reply no doubt repeat some of the provisions of Section 142 but they will be useful, should the Inundars give trouble in putting the applications of their Ryots in proper order, or in any way interfere with the legitimate use of the water provided

provided at Government
expense.

6 The accompaniments
received with your letter under
reply are herewith returned

I have the honor to be
Sir
Your most obedt Servant

Supt Ellyore Revenue
Survey

provided water, the same Govt.
would never listen to the plea
of an occupant of land, origin-
=ally assessed as wet land, to
pay dry and wet rate separate=
=ly and the latter only when the
water was used. So far as prin-
=ciple is concerned, the two cases
are precisely the same. If it is
argued that an occupant could
refuse to pay water rate in
the case of water newly pro-
vided, it would be equally
sound to argue that he should
be allowed to repudiate his lia-
bility to pay, against his wish,
water rate on wet lands originally
assessed.

assessed, as is the system of the Bombay classification, on the combined value of soil and water.

4 In my opinion Section 53 of the Mysore Land Revenue Code and the corresponding Section 55 of the Bombay Land Revenue Code were especially designed to affirm and make legal the well known system of classification followed. Mr. Chentsal Rao (see his notes on Rampur channel case) was the chief opponent of this reading of Section 53. He did not question the intention of that Section but he said it was manifestly unjust to charge water on

as to render futile the expense Government may go to in constructing works of irrigation, as self interest would step in, but I think that no doubt should be allowed to remain as to the power which rests in Government under Section 53 or any Rule under that Section

5 The enclosures to the above are herewith returned.

I have the honor to be
Sir
Your most obed Servant

Supt Ellora Reserve Survey

Register Sheet No. 128.

Taluk — Yedatore

Hobli — Sippuru

Village, Chengar S. In.

Copy of the **Register of Inams in the Village of** S. M. Chengo

	CLASS, EXTENT AND VALU			
Number of case or entire holding under one grant in this village.	General class to which the Inam belongs.	Survey No. and name of field or fields comprised in the grant. Dry, wet or garden.	Extent. Local measure. Even where the local measure is in acres, goontas, and annas, it is to be entered in this column.	Me and
1	2	3	4	
(F. 2. R. Regr S. No. 25				
(Revd F. Title Deed No. 364.				
1.	Personal			

53

Division.

LENGTH OF POSSESSION.

Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding validity or excess of the Inam. Assistant's opinion and recommendation.	Review by the Special Assistant and confirmation by the Inam Commissioner.
19	20

1. Dakhali C to asali A Case no 1 of Gunthanahally Village Register Sheet no 126.

The remarks in Col: 19 of the asali apply to this Case.

To be Confirmed free under Rule VI Clause 1.

(Signed) B. Rajagopaulah asstt.

31/7/79.

Notes.

Independent Inams.

Subsequent alienations nil

Items enjoyed.

Land. Kandal.

Statistics

Bedirakk Village Boundaries to be defined by the Survey.

(Signed) B. Rajagopaulah Assistant.

31-7-79

1. Confirmed free.

2. Vide Asali for orders on all other points.

(Signed) Robt Cole

Supt of Inam Settlt.

29/6/80.

3. Revised as per the Dewan's Proceedings No 4701-9 / 133 dated 2nd September 1881.

4. Vide the Statement received with Survey Supt's Docket No 539 / 39 of 21st September 1885.

A. G. Rao

Inculturable - 81-21-1-4-0

Dry Cultivated — 58-27-44

Wet Cultivated — 168-14-1000

~~Garden~~

(Col: 20 Contd)

	A. G.	Rs	a	p
Garden cultivated	3-32	22-	-	-
Total	312-14	1067	4	-

5. Finally Confirmed, free of tax.

(Signed) J. J. Grant

Asst to Inam Commr.

13/8/86.

6. This Village is not subject to revision under the Government Proceedings dt No 1422 of 17th February 1894, Vide Survey Superintendents Yadi No 133 of 4-5-96. P. 7-10

(Signed) J. J. Grant

23-7-97 Asst to Inam Commr

Copy

Inam Asst's Office
Bangalore d/ 27th June 1902

Asst to Inam Commr

...ka S.E. in the Sammat of Tippuru ——— in the Talook of Gedatore

INAM.				
		DESCRIPTION, TENURE AND		
Measure in acres and their fractions in decimals.	Old assessment.	Survey assessmnet.	Description of Inam. If for service, it is to be stated whether the service is continued. If for tanks, buildings, &c., whether they are efficiently kept up. Hereditary or for life.	Whether free of tax, &c. or liable to quit rent, *i. e.* jodi, &c., Amount of latter to be entered.
	Where no survey has been made and no assessment fixed by Government, the cess paid by the ryots to the inamdar, or the average assessment of similar Government land, should be entered in column 7.			
5	6	7	8	9

Total Beriz
8: Rs
7-5 = 1127-15-2
Inct Juri Inams
5-- = 1-7-4
Balance
2-5 = 1126-7-10

Note

The Survey Valuation of the village gives to each Jonam of the old beriz Rs: 0-7-2 which is adopted in valuing Minor Inam.--

(Signed) D. Grant
Asst Abs Board & Co:

13-8-86.

56

in the

DOCUMENT IN SUPPORT OF THE INAM.	
By whom granted and in what year.	Written instruments in support of the claim, original sannad, all mi documents, and other proofs of long possession. In this column it should be stated whether the Inam is held with or with whether the grant is produced or lost, &c., and the general specification of all documents produced should be given.
10	11

His Highness the late Mahr
Sannad dated 6th January 1819, gr
the Villages of Deggamahalu ass
at Ds. 112-3-7 Minus Jain Inams
Kangally Koppalu assessed at D. 3-1
Modi Koppalu assessed at Ds. 8-4
Thanahally & Hosoor assessed
Ds. 366-8-9 Minus Jain Inams 5
Changa assessed at D. 10 & Beera
assessed at D. 1, or total Ds. 501-7
Minus Jain Inams 17 Jaunams
Berij Ds. 500/ to Regimentdar Kr
Rao son of Anaji Row for the M
torious Services rendered by hi
during the war in Hindustan
the wound he had received wit
power of alienation &c